

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PERRYMAN,

Plaintiff,

v.

WARDEN,

Defendant.

Case No. 2:21-cv-00421-JDP (PC)

ORDER DISCHARGING THE JULY 22, 2021
ORDER TO SHOW CAUSE AND
DIRECTING THE CLERK OF COURT TO
ADMINISTRATIVELY CLOSE CASE NO.
2:21-cv-00953-JDP

The court previously screened plaintiff's complaint, notified him that it failed to state a claim, and granted him sixty days to file an amended complaint. ECF No. 6. After plaintiff failed to timely file an amended complaint, the court ordered him to show cause why this action should not be dismissed for failure to prosecute and for failure to state a claim. ECF No. 9. In his response to that order, plaintiff explains that he did submit an amended complaint, but it was mistakenly filed in a new case. ECF No. 11; *see Perryman v. Thao*, Case No. 2:21-cv-00953-JDP.

Review of the court's records reflect that the complaint filed in Case No. 2:21-cv-00953 should have been filed in this action as an amended complaint. To remedy this issue, the court will direct the clerk's office to file in this action the documents, including plaintiff's amended

1 complaint, that were mistakenly docketed in Case No. 2:21-cv-00953 and to administratively
2 close that case. The court will also discharge the July 22, 2021 order to show cause.

3 Accordingly, it is hereby ORDERED that:

4 1. The July 22, 2021 order to show cause is discharged.

5 2. The Clerk of Court is directed to:

6 a. file in this case the documents docketed in *Perryman v. Thao*, 2:21-cv-00953-
7 JDP at ECF Nos. 1, 5-10;

8 b. file a copy of this order in *Perryman v. Thao*, 2:21-cv-00953-JDP; and

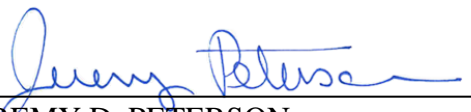
9 c. administratively close *Perryman v. Thao*, 2:21-cv-00953-JDP.

10 3. The court will screen plaintiff's amended complaint in due course.

11 4. Plaintiff is reminded that documents submitted to the court for filing in this action must
12 must bear the docket number assigned to this case.

13 IT IS SO ORDERED.
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15 Dated: December 6, 2021

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17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE
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